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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,051

Applicant(s)

PARNANEN ET AL.

Examiner

Phillip H. Nguyen

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is in response to the amendment filed 10/20/2008.
2. Claims 1-23 remain pending and have been considered below.

Response to Amendment

3. The prior rejection to claim 20 under 35 USC 101 is hereby withdrawn because it recites a mobile telephone device.

Response to Arguments

4. Applicant's arguments filed 10/20/2008 have been fully considered but they are not deemed persuasive.

Applicant asserts on pages 2-6 of the amendment filed 10/20/2008 regarding the 101 rejection for claims 8-20.

On pages 2-3, the Applicant asserts that Examiner failed to respond substantively to any of Applicant's arguments regarding the rejection to claims 8-20 under 35 USC 101.

Examiner respectfully disagrees with the allegations stated by the Applicant. First, claim 1-20 were rejected under 35 USC 101 in the March 1, 2007 Non-Final Action, wherein the claims 1-7 were rejected because claim 1 raises a question whether or not it produces a concrete, tangible, and useful results. In the July 24, 2007 Final Action, Examiner withdrew the 101 rejection

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for claims 1-7 due to some changes in the 101 procedure at USPTO, but maintained the 101 rejection for only claims 8-20 as being software per se. On July 18, 2008, the Examiner reopened the prosecution by issued a Non-Final Action after the Applicant filed a Pre-Appeal Brief. In this action, the examiner maintained the 101 rejection to only claims 8-20 and provided detailed reasons why claims 8-20 were rejected under 35 USC 101 non-statutory in response to the amendment filed in May 14, 2007 and April 24, 2008. Examiner believes that the July 18, 2008 Non-Final Action clearly responded to the Applicant's arguments and explained why claims 8-20 were rejected under 35 USC 101. Note, the prosecution was reopened because Examiner believed that the prior art of record does not explicitly teaches every limitations of the claimed invention but not because the arguments regarding 35 USC 101 for claims 8-20 were persuasive.

Regarding to the bottom of page 3 of the amendment filed 10/20/2008, the Applicant states *"Therefore, it should be abundantly clear that the **methods** described in claims 1-20 are not software per se, and therefore contrary to the Examiner's assertions, do meet the statutory requirement(s) of 35 U.S.C. 101. Moreover, Applicant submits that the processes described in, e.g., claims 8-20 of the present applicant are **"acts"** that are being performed. Applicant is at a loss to how many other characterization can be given to a **method**, other than acts that are performed."* It appears that the Applicant is unclear whether claims 8-20 are method claims or device/system claims. Claims 8-20 are device/system claims. In the independent claim 8 or 17, recites a device or system respectively,

but provides no structure. Since claims 8 and 17 provides no structure, the only components that make up the device/system are software applications, claims 8-20 are considered as software per se.

Applicant asserts on pages 4-5 of the amendment filed 10/20/2008 that the why claims 21-23 are statutory but not claims 8-20 and further asserts that Examiner's interpretation of Section 2106.01 of the MPEP is flawed. The applicant goes on to state that *"the MPEP is clear in that determining whether or nor descriptive material (both non-functional and functional) is based upon "how" that descriptive material is claimed...The MPEP does not suggest that once subject matter is deemed to be descriptive material, it is automatically non-statutory...In light of the above, the MPEP, quite contrary to the Examiner's position, indicates that functional material, **when recorded on computer-readable medium, becomes statutory**..."* The Applicant goes on to further state that the software components in claims 8 or 17 are realized on some type of computer readable medium/hardware.

It seems to the Examiner that the Applicant submits that the device in claims 8-20 is a computer-readable medium. A device or system is not automatically a computer-readable medium unless the claim states that. As explained above, the device of claims 8-20 comprises no structure other than those software applications make up that device.

It further appears that the Applicant interprets the Section 2106.01 of the MPEP is flawed instead. According the MPEP 2106.01, the functional material is statutory **only** when it recorded on a computer-readable medium. Examiner

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does not know whether or not this device is a computer-readable medium, or includes at least a computer-readable medium to store the recited software applications. Claims 21-23 clearly recite a computer program product embodied on a computer-readable medium. It clears that the Applicant is intended to claim a computer-readable medium comprises computer program product to perform the recited steps in claims 21-23. In contrast, claims 8-20 recite a device/system that has no structure. The only components make up the device are software applications. The claim language does not indicate that these software applications stored on/in a computer-readable medium. In fact, the device is made up of the software applications and therefore it is software per se, which is non-statutory.

Applicant asserts on page 6 of the amendment filed 10/20/2008 regarding concrete, tangible, and useful results.

Perhaps, claims 8-20 produce concrete, tangible, and useful results and that was why the Examiner only indicated that they are software per se for the reasons explained above. Although, claims 8-20 produce concrete, tangible, and useful results, they must be realized on a computer-readable medium in order to avoid the non-statutory as described in the MPEP 2106.01.

Applicant asserts on page 9 of the amendment filed 10/20/2008 that the Examiner appears to be admitted that Applicant's characterization of at least the statutory aspect of claims 8-20 as described above is correct, i.e., an application, if associated with a device is integrated thereon, and not merely some piece of abstract software because the Examiner stated that "Every application stored in a

device is considered as integrated into the device because it is part of the device. In this case, UI 41 is part of the device and therefore it must be integrated into the device with other software applications of the device".

Examiner respectfully disagrees with the allegation as argued by the Applicant. It appears that the Applicant misunderstands the Examiner's statement. The Examiner stated that the UI 41 application is part of the device because it stored i.e., integrated, inside the device. Again, Examiner in the previous actions or this action rejects claims 8-20 for software per se not for abstract idea. Claims 8-20 may produce a concrete, tangible, and useful result, but it must be stored in a medium or the steps must be executed by a device's hardware component.

Note, claims 1-7 are now rejected under 35 USC 101 again for a different reason and that is the steps of the method are not tied to a statutory class (i.e. an apparatus/device) or not transforming the underlying subject matter to a different state or thing. Applicant is suggested to amend the claims to recite "computer-implemented method" to avoid the 101 non-statutory rejection.

Examiner is hereby stated that the 35 USC 101 rejection to claims 1-20 has been clearly addressed and explained in this action and/or the previous action.

Applicant asserts on pages 7-8 of the amendment filed 10/20/2008 that

(1) *"Hayton is directed to a single application (e.g., the server application 26) that has a client UI 42 which can be "customized" with various UI elements 46.*

(2) Hayton is directed to a "development" environment, where users can, e.g., "develop" the appearance of a web page or employee salary application." (See column 9, lines 19-29 and column 10, lines 55-65).

Examiner respectfully disagrees with the allegations as argued by the applicant. (1) it seems to the Examiner that the Applicant repeat his arguments from the previous response and ignored the Examiner's argument. Examiner in his July 18, 2008 Non-Final Action, already addressed this argument. (2) Applicant appears to mischaracterize Hayton's invention. Hayton in col. 9:19-29 merely separates two stages (i.e. static and dynamic) for developing (at static stage) and modifying the application (at dynamic stage). Hayton teaches "By keeping the interface between the application and user interface very small, and by separating the static and dynamic aspect of the UI, the invention allows the static aspect of the user-interface to be developed using standard UI development tools. These tools can be extended (or additional tools provided) to add the dynamic aspect of the UI because of the approach taken to the static/dynamic split, this is extremely straightforward for the UI developer. A unique aspect that the system brings to UI technology is the way in which dynamic aspect of the application (e.g., creation of new objects, changes in values) may be reflected in a static user-interface by linking UI element" (see at least col. 9:5-30). In other words, Hayton indicated that the static (i.e., developing) phase for developing the UI is well known and to be developed using the standard UI development tools. His invention brings to UI technology the

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dynamic aspect of the UI (e.g., creation of new objects, changes in values).

Thus, Hayton is directed to dynamically add new elements to the UI application.

Applicant asserts on page 8 of the amendment filed 10/20/2008 that Hayton teaches adding a UI element to the UI 42 **not** a feature to application 26.

Examiner respectfully disagrees with the argument. UI 42 is considered as consumer application. Again, Examiner already addressed this argument in the previous action.

Applicant further asserts on page 8 of the amendment filed 10/20/2008 that Hayton does not teach "any request is made of the property connector API 22" and "identifying a provider and providing a feature if the provider is identified."

Examiner respectfully disagrees with the applicant's arguments. Hayton teaches *"The execution of the property connector API 22 can be initiated in several ways. A computing device on which the property connector API 22 resides can initiate execution of the property connector API 22 upon power up or upon a authorized user log-in. **The computing device can initiate an execution of the property connector API 22 when the computing device downloads a page 42 containing UI elements 46 associated with property paths.** The computing device can initiate execution of the property connector API 22 when the user initiates execution of the application 26 or requests delivery of the page 42. In one embodiment, when the computing device initiates execution of the property connector API 22, the computing device also receives startup argument including the name of a file containing the UI page 42 details, and **details of the server node 60 to connect to and the application 26 to***

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start. As explained in more detail below, the property connector API 22 maps each dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path..." In other words, upon the computing device is power up, the property connector API 22 is executed. Upon the execution of the property connector API 22, a request is initiated to download the UI page 42 that containing the UI elements 46. A details of the server node 60 connects to the computing device is received. The details of the server indicated what server the computing device is connected to. Even assume that Hayton fails teach "provider is identified." It would have been obvious to one having an ordinary skill in the art at the time the invention was made to use the details of the server node 60 received by the computing device to identify the server it connected to for security purposes.

Applicant asserts on page 9 of the amendment filed 10/20/2008 that the actual data that populates a UI element (such as a filed/tab for indicating particular employees) is no way analogous to adding an actual features matching a consumer interest to a consumer application. The Applicant goes on to further state that Hayton describes the **UI element 46 can be, for example, an input box** for textual or numerical input and display of a value of a property 38.

Examiner respectfully disagrees with all the allegations as argued by the applicant. As indicated by the Applicant, the UI element 46 can be an input box not the data. The actual data are **"textual or numerical input and display of a value of a property 38."** Hayton merely teaches dynamically adding UI elements to the UI application not dynamically adding data to the UI elements.

Applicant asserts on page 9 of the amendment filed 10/20/2008 that Hayton is related to building/development time and the user is a developer not an end-user.

Examiner respectfully disagrees with the Applicant's argument. As explained above, Hayton's invention is directed to dynamically adding user interface element to the user interface application. Furthermore, Hayton teaches "*The client node 64 can be any computing device (e.g., a personal computer, set top box, phone, handheld device, kiosk, etc) used to provide a user-interface 42*" (see at least col. 14:56-58). In other words, the user in Hayton is the end-user of the phone, handheld device, etc, that comprise the UI application.

Applicant asserts on pages 9-10 of the amendment filed 10/20/2008 that Hayton fails to teach "*store user interface element corresponding to the consumer application interest*" as recited in claim 21.

Examiner respectfully disagrees with the allegation as argued by the application. The server node must store the UI elements in order to provide these UI elements to the client node. If the UI elements are not stored at the server node, where can it be? Even assume that Hayton fails to indicate that the UI elements are stored, it is inherent that the UI elements are stored in the server node.

Applicant asserts on page 10 of the amendment filed 10/20/2008 that Hayton fails to teach two applications, a consumer application and a provider application.

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Examiner respectfully disagrees with the Applicant's argument. FIG. 1 of Hayton clearly indicates two separate applications, a page 42 and an application 29. Hayton further teaches "The system 10 includes a server process 14, a client process 18 and a property connector API 22...the server process 14 includes an application 26 with application components 34a, 34b, 34c, and 34d" (see col. 10:1-9). Hayton goes on to state "The client process 18 produces a user-interface ("UI") 42 that is displayed to a user. The UI 42 includes on or more user-interface elements 46a and 46b" (see at least col. 10:66-67 - col. 11:1). According to Hayton, there are two separate applications, a user-interface 42 and an application 26.

Applicant asserts on page 10 of the amendment filed 10/20/2008 that Hayton fails to teach "*communicating the user interface element to an application interworking framework.*"

Examiner respectfully disagrees with the Applicant's argument. The columns cited by the Examiner clearly teach that the UI elements are transferred from the server to the client device. Applicant is suggested to read other portions of Hayton's invention as well. In col.11:37-52 "*The computing device can initiate execution of the property connector API 22 when the computing device downloads a page 42 containing UI elements 24 associated with property paths...the property connector API 22 maps each dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path.*" In other words, the UI elements are communicated to the property connector API 22 for mapping. The property connector API 22 must

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receive UI elements from the client or server devices for performing the mapping process. The property connector API 22 as a whole comprises two portions located at two separate locations, client portion 22a locates at the client node and server portion 22b locates at the server node (see FIG. 2 and at least col. 14:33-67). The client and server portions communicate with each other over the communication channel (i.e. LAN, WAN, etc). Either the client portion 22a and/or the server portion 22b could be considered as "application interworking framework" and therefore the property connector API 22 is not communicated UI elements to itself. The question is why would Hayton allow the property connector API 22 to transfer UI elements to the property connector API 22 itself. Even assume that the property connector API 22 communicating to itself, the claimed limitation (i.e. communicating said user interface element to an application interworking framework") could be interpreted as "the application interworking framework communicating user interface element to itself."

Applicant asserts on page 11 of the amendment filed 10/20/2008 that (1) Hayton is directed to developer developing a webpage using, e.g., predetermined elements. (2) The monitoring of a property state and the receipt of a property change event merely refer to the ability of the system and method of Hayton to configure properties/objects/data that might populate fields or boxes in an application using property paths that are not static. Applicant goes on to indicate that the applications are not tied to operating only in a client or server mode and the features of Hayton have no relationship with whatsoever with the limitations/features recited in independent claims 1, 8, 17, 21 of the present

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application as they are merely related to determining how/where actual data that might populate, e.g., a web page, is gathered and delivered to the web page for display.

Examiner respectfully disagrees with all the allegations as argued by the applicant.

(1) This argument has already been addressed above.

(2) Hayton teaches in column 11:9-19 "The user-interface element 46 is a portion of the UI 42 that dynamically changes and is associated with a state of property 38 of an application component 34...The UI element 46 can be, for example, **an input box** for textual or numerical input and display of a value of a property 38. The UI element 46 also can be, for example, **a horizontal slider** for numerical input and display of a value of a property 38." According to Hayton, input box and horizontal slider are not data but are user interface elements. Even assume that the input box or the horizontal slider are not UI elements but are data, the features of the claimed invention can not be distinguished from them.

Applicant asserts on page 12 of the amendment filed 10/20/2008 that Hayton fails to teach "communicate said user interface element to an application interworking framework" as recited in claim 21.

Examiner respectfully disagrees with applicant's argument. Even assume that the cited column provided by the Examiner does not clearly indicate that the UI elements are transfer to the interworking framework, the Applicant is required

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to read other portions of Hayton for further clarification. See the above detailed explanation.

Applicant further asserts on page 12 of the amendment filed 10/20/2008 that the Examiner has failed to consider "storing a user interface element corresponding to the consumer application interest resource in a file" as recited in claim 21. Applicant goes on to indicate that Hayton fails to teach this limitation.

Examiner respectfully disagrees with the Applicant's argument. In the July 18, 2008 Non-Final Action, the Examiner properly rejected this limitation. Applicant is suggested to review the action for more details. Furthermore, even assume that Hayton fails to indicate "storing a user interface element corresponding to the consumer application interest resource in a file" a person of ordinary skill in the art would recognize that UI elements are inherently stored in the server in order to transfer to the client and inherently stored in the client device after transferred to the client device.

Applicant asserts on pages 13-14 of the amendment filed 10/20/2008 that Hayton fails to teach "using generic parameter in application interworking framework application programming interfaces (API)."

Examiner respectfully disagrees with the Applicant's argument. The claims recite "generic parameter" but do fail to further clarify the generic parameter. Therefore, Examiner interprets generic parameter as any parameters (i.e. property path, UI elements, etc.) used by the API.

Applicant asserts on pages 14-15 of the amendment filed 10/20/2008 that Hayton fails to teach integration of any new application.

Examiner respectfully disagrees with the applicant. Perhaps UI 42 is displayed indicates nothing regarding the how a new application is integrated into an original group of application, but it indicates that the UI 42 is the client device's application. FIGS. 1-3 clearly indicate two devices (i.e. client and server devices). In client device, there is a page 42 (UI 42) and Application 26 in the server device. One skilled in the art would recognize that page 42 is integrated into the client device. Furthermore, the claimed invention recited in claim 8 is to add features to a software application (i.e. consumer application) not to add a software application to a device. In other words, the device comprises a software application (already integrated into the device). Examiner interprets claim 11 as to further clarify that the software application is integrated into the device. If claim 11 is intended to integrate (add) the software application into the device than it is contradicting to claim 8, where claim 8 indicates that the software application is already integrated into the device. That is the software application is not part of the device but remotely displays on the device.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 20 and 21 are recites the limitation "the client device" and "the consumer user interface" in the body of the claims respectively. There is

insufficient antecedent basis for this limitation in the claim. For examination purposes, Examiner interprets “the client device” as the system of claim 17 and “the consumer user interface” as the consumer application.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites a method but the steps of the method are held to be non-statutory because the steps are not tied to another statutory class (i.e. an apparatus) or not transforming the underlying subject matter to a different state or thing. Applicant is suggested to amend claim 1 to recite “computer-implemented method” to avoid the 101 non-statutory rejection. All it dependent claims suffer the same deficiency.

Claim 17 recites a system but it appears reasonable to interpret this system by one of ordinary skill in the art as software per se. Applicant’s specification provides no explicit or deliberate definition of the components (“consumer application”, “provider application”, and “application interworking framework”) that make up the system other than they are or could be software components, which are directed to functional descriptive material, per and are

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therefore non-statutory. Claims 18 and 19 directly or indirectly depend on claim 17 and therefore suffer the same deficiency.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3 and 5-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayton et al. (United States Patent No. US 7,194,743 B2).

As per claim 1, Hayton teaches:

- *requesting from an application interworking framework a feature matching a consumer interest of a consumer application (see at least col. 11, lines 41-43 "the user initiates execution of the application 26 or request delivery of the page 42"; col. 17, lines 24-26 "...client node 64 requesting execution of the application 26 and/or in response to the client node 64 requesting the page 42...");*
- *using the consumer interest and a feature capability to identify a provider (see at least col. 11, lines 50-52 "API 22 maps each*

- dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path");
- *providing the feature, if the provider is identified, to the consumer application* (see at least col. 2, lines 45-49 "user interface portion of the application can be delivered to the computer user either on the same machine on which the application is executing or on another machine remote from the machine executing the application"; col. 18, lines 57-60 "The server portion 22b transmits to the client portion 22a any change events associated with those property paths in which the client portion 22a has indicated interest"); and
 - *utilizing the feature at the consumer application* (see at least col. 18, lines 60-67 "When the event manager 74 receives a property change event...The event manager 74 communicates the updates due to the change event to each of the UI elements 46 mapped to the property path").

As per claims 2, 12 and 18, Hayton further teaches:

- *using generic parameters in application interworking framework application programming interfaces (APIs)* (see at least FIG. 1; see col. 11, lines 50-52 "API 22 maps each dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path").

As per claim 3, Hayton further teaches:

- *wherein the application interworking framework interfaces the consumer application with the feature provider (see at least FIG. 1).*

As per claim 5, Hayton further teaches:

- *adding a feature user interface element along with the feature (see at least FIG. 1).*

As per claims 6 and 16, Hayton further teaches:

- *wherein the feature user interface element comprises menu commands and a setting page or other user interface elements (see at least col. 11, lines 15-19 "The UI element 46 can be, for example, an input box for textual or numerical input and display of a value of a property...a horizontal slider for numerical...").*

As per claim 7, Hayton further teaches:

- *wherein the application interworking framework implements two application programming interfaces (APIs), including a consumer API and a set of provider APIs, wherein the provider APIs match the desired user interface elements (see at least FIG. 1; see col. 11, lines 25-30 "property connector API 22 includes a client*

portion 22a and a server portion 22b. The property connector API 22, and thus the client portion 22a and the server portion 22b, is a process that is independent of the application 26").

As per claims 8 and 17, Hayton further teaches:

- *a consumer application that publishes a feature interest indicating what features the said consumer application desires to have (see at least FIG. 1; see at least col. 10, lines 66-67 "The client process 18 produces a user-interface ("UI") 42 that is displayed to a user");*
- *at least one provider application that has at least one feature available (see at least FIG. 1; see col. 10, line 6 "application 26") and*
- *an application interworking framework that provides an interface for the said consumer application and the said provider application such that the said feature interest is matched with one of the features available from the said provider application (see at least FIG. 1, API 22).*

As per claim 9, Hayton further teaches:

- *wherein the new consumer application is an application provided by a terminal manufacturer (see at least FIG. 1; see col. 10, line 1 "a server process 14").*

As per claim 10, Hayton further teaches:

- *wherein the new consumer application is an application provided by a third party to a user of the device (see at least col. 8, lines 51-59 "a third party could generate a user-interface for published application...A third party could design a new client type without the server's involvement").*

As per claim 11, Hayton further teaches:

- *wherein the new consumer application integrates into the device as if part of an original group of software applications for the device (see at least col. 10, lines 66-67 "The client process 18 produces a user-interface ("UI") 42 that is displayed to a user").*

As per claim 13, Hayton further teaches:

- *wherein the feature interest of the new consumer application comprises menu options not on the device before introduction of the new consumer application to the device (see at least col. 8, lines 22-23 "predefined element includes one or more of the following: a dropdown menu"; col. 21, lines 18-20 "A dropdown type is a nested dropdown menu, where each choice is a value from a range of indexed properties").*

As per claim 14, Hayton further teaches:

- *wherein the user interface elements corresponding to the matched features are placed in the interest placeholders* (see at least col. 11, lines 50-52 "API 22 maps each dynamic user-interface element 46 to a property 38 of an application component 34 using the associated property path").

As per claim 15, Hayton further teaches:

- *wherein the consumer application is a new consumer application* (see at least col. 33, lines 36-38 "When the user clicks on a link, the client node 64 requests a new page 42' from the proxy process").

As per claim 19, Hayton further teaches:

- *wherein the consumer application obtains user interface elements from other providers* (see at least col. 17, lines 38-39 "user requesting the page 42 associated with the application 26").

As per claim 20, Hayton further teaches:

- *wherein the client device is a mobile telephone* (see at least col. 14, lines 56-58 "The client node 64 can be any computing device (e.g., a person computer, set top box, phone, handheld device, kiosk, etc)").

As per claim 21, Hayton further teaches:

- *provide a consumer application interest resource for a consumer application specifying at least one user interface element (see at least col. 11, lines 41-43 "the user initiates execution of the application 26 or request delivery of the page 42"; col. 17, lines 24-26 "...client node 64 requesting execution of the application 26 and/or in response to the client node 64 requesting the page 42...");*
- *store user interface element corresponding to the consumer application interest resource in a file (see at least col. 16, lines 31-32 "The property browser can save the obtained results in the property file");*
- *communicate said user interface element to an application interworking framework (see at least col. 2, lines 45-49 "user interface portion of the application can be delivered to the computer user either on the same machine on which the application is executing or on another machine remote from the machine executing the application"; col. 18, lines 57-60 "The server portion 22b transmits to the client portion 22a any change events associated with those property paths in which the client portion 22a has indicated interest"); and*

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- *add said user interface element to the consumer user interface*
(see at least col. 18, lines 60-67 "When the event manager 74 receives a property change event...The event manager 74 communicates the updates due to the change event to each of the UI elements 46 mapped to the property path").

As per claim 22, Hayton further teaches:

- *computer code to generate a class of generic parameters* (see at least col. 15, lines 25-55).

As per claim 23, Hayton further teaches:

- *computer code to pass arguments within the application interworking framework* (see at least col. 11, lines 43-48 "when the computing device initiates execution of the property connector API 22, the computing device also receives a startup argument including the name of a file containing the UI page 42").

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayton et al. (US 7,194,743 B2), in view of Gudmundson (WO 00/58855).

As per claim 4, Hayton does not explicitly teach:

- *wherein the application interworking framework interfaces the consumer application with the feature provider using dynamic link library (DLL) function calls.*

However, Gudmundson teaches:

- *wherein the application interworking framework interfaces the consumer application with the feature provider using dynamic link library (DLL) function calls* (see at least page 9, lines 5-6 "The feature repository contains all the components required to enable a particular capability or feature (e.g., dynamic link library (DLL) files...").

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to recognize that the use of DLL is well known in the art and modify Hayton's approach to use a DLL to provide functions calls. One would have been motivated to modify because DLL provides one or more functions and the application calls the functions by creating dynamic link to the DLL.

Correspondence Information

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Schnarel et al. (USPN 7,225,409 B1) teaches a system for customizing the default display elements or create entirely new custom panes.
2. Farcasiu (USPN 7,184,801 B2) teaches a method and a system which allows user to define and edit workflow application for a mobile device, screens associated with the applications, and workflow program is described.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
12/31/2008

/Ted T. Vo/
Primary Examiner, Art Unit 2191